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**OCETI SAKOWIN
TRIBAL UTILITY AUTHORITY**



10 WHITE TAIL DEER ROAD, PINE RIDGE, SOUTH DAKOTA 57770

February 18, 2015

Via U.S. Mail

Marlene H. Dortch, Secretary
Office of the Secretary -- Room TW-B204
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Oceti Sakowin Tribal Utility Authority Petition for Rulemaking

Dear Ms. Dortch:

The Oceti Sakowin Tribal Utility Authority ("OSTUA") hereby submits the attached Petition for rulemaking seeking to establish a new Tribal Consultation process between the Federal Communications Commission and Indian Tribes.

An original and one copy of this Petition is being filed. Should you have any questions, please contact the undersigned.

Respectfully submitted,

Oceti Sakowin Tribal Utility Authority

By:


Gene DeJordy
General Counsel
Oceti Sakowin Tribal Utility Authority
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Received & Inspected
FEB 23 2015
FCC Mail Room

In the Matter of)
Petition of the Oceti Sakowin Tribal)
Utility Authority for the Establishment)
of a Formal Process for Tribal)
Consultation and Resolution of Issues)
Impacting Indian Country)

PETITION OF THE OCETI SAKOWIN TRIBAL UTILITY AUTHORITY

The Oceti Sakowin Tribal Utility Authority ("OSTUA") hereby petitions the Commission to adopt a formal Tribal consultation process to address issues of concern to Indian Tribes. Over the years, the Commission has undertaken several initiatives to address issues of concern to Tribes, and while these initiatives have led to some positive developments in Indian country, there is much more that needs to be done to enable Tribes to realize the benefits of economic development and comparable access to telecommunications and information services, including advanced broadband services. To this end, the OSTUA proposes the establishment of formal process for Tribal consultation with the Commission to enable greater Tribal input into the regulatory process and provide for a formal mechanism to address issues of great importance to Tribes.

The OSTUA applauds the Commission for undertaking Tribal initiatives aimed at addressing telecommunications issues that have long plagued Indian country, including, but not limited to:

1. a Tribal Lifeline program aimed at making telephone service affordable for low-income consumers on Tribal Lands;¹
2. a Tribal Mobility Fund to provide funding for the construction of telecommunications facilities on Tribal Lands;²

¹ See 47 C.F.R. §§ 54.403(a)(2) and 54.413.

² See *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337,

3. Tribal engagement requirements for Eligible Telecommunications Carriers ("ETCs") serving Tribal Lands to ensure accountability of universal service funds;³
4. ETC designation requirements for Tribal entities to increase the number of tribally-owned telephone companies;⁴
5. a rulemaking proceeding aimed at making unused spectrum available to Tribes;⁵ and
6. priority for obtaining licenses for the operation of AM and FM radio stations.⁶

The Great Plains Tribal Chairman's Association ("GPTCA") passed Resolution No. 1-9-5-14, Support for Oceti Sakowin Utility Authority to assist Tribal governments through a multi-tribal collaborative effort to (i) address jurisdiction and sovereignty issues, (ii) establish tribal utility commissions, and (iii) resolve

Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663, 17822, para. 488 (2011) ("*USF/ICC Transformation Order*"), pets. for review pending sub nom. In re: FCC 11 161, No. 11-9900 (10th Cir. filed Dec. 8, 2011); see also *Tribal Mobility Fund Phase I Auction Scheduled for October 24, 2013, Comment Sought on Competitive Bidding Procedures for Auction 902 and Certain Program Requirements*, AU Docket No. 13-53, DA 13-323, March 29, 2013.

³ 47 C.F.R. §§ 54.313(a)(9).

⁴ *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208 (2000).

⁵ *In the Matter of Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum over Tribal Lands*, Notice of Proposed Rulemaking, WT Docket No. 11-40, FCC 11-29, March 3, 2011 ("*Tribal Spectrum NPRM*").

⁶ *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, MB Docket No. 09-52, Third Report and Order, 26 FCC Rcd 17642 (2011) ("*Rural Radio Third Report and Order*"); *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, MB Docket No. 09-52, First Report and Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 1583, 1586 at para. 5 (2010) ("*Rural Radio First Report and Order*").

complaints, disputes, and issues with entities providing service on Tribal Lands.⁷ The GPTCA is comprised of 16 Sovereign Nations in the states of North Dakota, South Dakota, and Nebraska, represented by elected or appointed leaders who meet quarterly to take action on various matters impacting the Tribes.⁸ The primary purpose of the GPTCA is to advance and defend the Tribes' inherent rights, promote the welfare of the Tribes and its members, and protect the sovereignty and jurisdiction of each Tribe. With the support of the GPTCA and Tribal leaders, the OSTUA was formed for, among other reasons, to address telecommunications issues on reservations throughout the United States.⁹ The OSTUA submits this Petition as a first step in working with the Commission to address issues of great importance to the Tribes.

Each of the above referenced initiatives have produced some benefits for Indian Tribes and residents of Tribal Lands, but many Tribes have not realized the promised results. Specifically, and corresponding to the initiatives identified above:

1. *Residents of Tribal Lands in South Dakota and North Dakota has seen a significant reduction in Lifeline service compared to consumers in general.*

- Between 2005 and 2013, residents of Tribal Lands nationally have benefitted from a significant expansion of Lifeline services with Lifeline support increasing from \$45,806,163 to \$251,622,681 in Tribal Lands.¹⁰

⁷ See Attachment A, Great Plains Tribal Chairman's Association, Resolution No. 1-9-5-14, September 5, 2014.

⁸ The members of the GPTCA include: Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Flandreau Santee Sioux Tribe, Lower Brule Sioux Tribe, Omaha Tribe, Oglala Sioux Tribe, Ponca Tribe of Nebraska, Rosebud Sioux Tribe, Santee Sioux Tribe, Sisseton-Wahpeton Sioux Tribe, Spirit Lake Nation, Standing Rock Sioux Tribe, Three Affiliated Tribes – Mandan, Hidatsa & Arikara Nations, Turtle Mountain Band of Chippewa, Winnebago Tribe, and the Yankton Sioux Tribe.

⁹ See Attachment B, *Coalition of Indian Tribes Supporting The Advancement of Tribal Sovereignty and Jurisdiction and the Enforcement of Tribal Laws and Applicable Requirements*, Oceti Sakowin Tribal Utility Authority, January 2015.

¹⁰ See USAC FCC Filings LI07 for years 2005 and 2013.

- During this same period, residents of Tribal Lands in South Dakota has seen a drastic reduction in Lifeline services with Lifeline support decreasing from \$3,816,423 to \$408,551 in Tribal Lands.¹¹
 - On the Pine Ridge reservation, this reduction in Lifeline support is even more extreme with the competitive ETC receiving \$0 in 2013 compared to \$1,809,400 in 2005.¹²
 - On the Crow Creek and Rosebud reservations, the wireless ETC serving the reservation was allowed to relinquish its ETC designation in 2012, resulting in wireless Lifeline service no longer being available on these and other reservations in South Dakota.¹³
- During this same period, residents of Tribal Lands in North Dakota have also seen a reduction in Lifeline services with Lifeline support decreasing from \$1,300,061 in 2005 to \$764,278 in 2013.¹⁴

2. Tribal Mobility funding going primarily to non-Tribal entities serving Tribal Lands, notwithstanding preferences available to Tribal entities.

- The Tribal Mobility Fund Auction 902 held the promise of providing universal service support for tribal entities interested in serving Tribal Lands, but only 14 entities bid in the auction, of which only two were tribal entities and no tribal entity was a winning bidder in the auction.¹⁵

¹¹ See USAC FCC Filings LI07 for years 2005 and 2013.

¹² See USAC FCC Filings LI01 for years 2005 and 2013.

¹³ South Dakota Public Utilities Commission, *In the Matter of the Petition of WWC License, LLC dba Verizon Wireless and RCC Minnesota, Inc. dba Verizon Wireless of Relinquishment of its Designation as an Eligible Telecommunications Carrier*, Order Granting Relinquishment of ETC Designations, TC12-158, November 30, 2012.

¹⁴ See USAC FCC Filings LI07 for years 2005 and 2013.

¹⁵ See http://wireless.fcc.gov/auctions/default.htm?job=auction_summary&id=902.

- The Rosebud Sioux Tribe and the Office of Economic Development of the Oglala Sioux Tribe submitted Comments on the proposed Tribal Mobility Fund, explaining that the Tribal Mobility Fund does not adequately address the communication needs on the Pine Ridge and Rosebud Indian Reservations.¹⁶
- Other Tribal entities have expressed concerns about the structure and requirements of the Tribal Mobility Fund.¹⁷
- In the end, the Tribal Mobility Fund did not deliver on the promise to provide funding for “Tribally-owned or controlled providers seeking to expand service on their Tribal lands.”¹⁸

3. *The Tribal engagement process has become a “check the box” in the ETC Annual Report without any meaningful engagement or attempt by ETCs to adequately address requirements for operation on Tribal Lands.*

- On September 10, 2012, the Office of Economic Development of the Oglala Sioux Tribe (“OED”) informed all ETCs on the Pine Ridge reservation of the requirements for tribal engagement under 47 C.F.R. § 54.313(a)(9), but none of the four ETCs on the Pine Ridge Indian Reservation provided the information requested.
- In 2013, the Oglala Sioux Tribe Utility Commission (“OSTUC”) did not receive Annual Reports pursuant to 47 C.F.R. § 54.313 from ETCs providing service on the Pine Ridge reservation. ETCs serving the Pine Ridge reservation may have provided copies of their Annual Reports with another office within the Oglala Sioux Tribe,

¹⁶ Comments of the Rosebud Sioux Tribe and Oglala Sioux Tribe, In the Matter of Tribal Mobility Fund Phase I Auction Scheduled for October 24, 2013; Comments Sought on Competitive Bidding Procedures For Auction 902 and Certain Program Requirements, AU Docket No. 13-53, May 10, 2013.

¹⁷ Gila River Telecommunications, Inc., Gila River Indian Community and Mescalero Apache Telecom, Inc. Ex Parte Presentation, AU Docket No. 13-53, WT Docket Nos. 11-40, 10-208, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, April 26, 2013.

¹⁸ USF/ICC Transformation Order at para. 487.

but the failure to file the Annual Reports with OSTUC is symptomatic of the lack of meaningful engagement with Tribes. On January 6, 2015, the OSTUC released a Proposed Order to adopt the OED tribal engagement guidelines on the Pine Ridge reservation (see copy of orders at the Commission's web site www.ostuc.net).

4. *The ETC designation process has not lead to additional tribally-owned telephone companies as envisioned by the FCC when it adopted changes to the universal service system.*

- According to the ONAP 2012 Annual Report: "There are ten Tribally owned ETCs today and, as a result of recent policies adopted as part of universal service reform, there are new opportunities available for Tribes that may want to consider self provisioning telecommunications and broadband services to their lands. For example, in the context of the Mobility Fund and the Tribal Mobility Fund, a Tribally owned applicant need only have its ETC designation petition filed at the short form application stage in order to participate in the auction. Opportunities such as these, as well as the ongoing challenges associated with the provision of telecommunications and broadband services on Tribal lands, has sparked a renewed interest in the opportunities available through ETC designation. There are currently two ETC designation petitions pending from Tribally owned or affiliated entities, and ONAP anticipates that the number of such petitions will likely increase. The requirements and responsibilities associated with ETC status, as well as the designation process, therefore, will be among ONAP's top consultation priorities for 2013." *Federal Communications Commission Office of Native Affairs and Policy, 2012 Annual Report* at p. 5-6.

- As of today, there appears to be 13 tribally owned telephone companies in the U.S., of which 11 are ETCs (shown with * below), including:
 - Cheyenne River Sioux Telephone Authority (ILEC)*
 - Fort Mojave Telecommunications, Inc. (ILEC)*
 - Gila River Telecommunications, Inc. (ILEC)*
 - Hopi Telecommunications, Inc. (ILEC)*
 - Mescalero Apache Telecom, Inc. (ILEC)*
 - Native American Telecom (Competitive Carrier)
 - Native American Telecom – Pine Ridge (Competitive Carrier)
 - NTUA Wireless (Competitive Carrier)*
 - Saddleback Communications (ILEC)*
 - San Carlos Apache Telecommunications Utility, Inc. (ILEC)*
 - Sandwich Isles Wireless (Competitive Carrier)*
 - Standing Rock Telecommunications, Inc. (Competitive Carrier)*
 - Tohono O'odham Utility Authority (ILEC)*
- Over the last few years, it appears that only five Indian Tribes have established tribally owned telephone companies, of which three are ETCs and apparently dependent upon universal service subsidies.
 - NTUA Wireless, Sandwich Isles Wireless, and Standing Rock Telecommunications are all mobile wireless carriers and have been designated as ETCs for receipt of high cost universal service support.
 - Native American Telecom (Crow Creek) and Native American Telecom – Pine Ridge are competitive local exchange carriers without access to high cost universal service support and have not been designated as ETCs.

- Many Tribes are dependent upon outside non-Tribal communications providers, who may not be responsive to the communications needs of the Tribe, Tribal members, and residents of reservations; consequently, it is critically important for Tribes to have the tools and resources necessary to establish their own communications providers to serve the unique needs of the Tribe, Tribal members, and residents of reservations.

5. *Large amounts of spectrum remain unused on Tribal Lands and not available to Indian Tribes.*

- On March 3, 2011, the Commission released a Notice of Proposed Rulemaking ("NPRM") on, among other things, "a Tribal proposal to use spectrum lying fallow through an innovative build-or-divest process that would allow Tribes to build out in areas where licensees have met their construction requirement, but are not serving the Tribal lands within their service areas."¹⁹
- Notwithstanding Tribal support for access to spectrum necessary to provide telecommunications services on Tribal Lands and large amounts of spectrum going unused on Tribal Lands and the passage of almost four years, there has been no action by the Commission on the NPRM.
- On the Pine Ridge reservation, in Shannon County, there are 13 separate entities holding 30 different spectrum holdings in frequency bands for terrestrial voice and/or broadband services, but there are only two entities providing service on the reservation.²⁰

¹⁹ *In the Matter of Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum over Tribal Lands*, Notice of Proposed Rulemaking, FCC 11-29 at para. 10, March 3, 2011.

²⁰ See <http://reboot.fcc.gov/spectrumdashboard/resultLicenses.seam> for a list of the spectrum holdings in Shannon County on the Pine Ridge reservation.

The OSTUA submits that each of these issues, along with other tribal issues, need to be addressed by the Commission, in part, through a new Tribal Consultation process as proposed below.

Proposed Tribal Consultation Process

The OSTUA proposes the adoption of a new Tribal Consultation process for better coordination between the FCC and Tribal governments to, among other things:

1. Obtain guidance and comments on issues of concern to the Tribes, in addition to the Commission's regulatory process, which is not well-suited for intergovernmental coordination;
2. Provide a mechanism for the recognition and enforcement of Tribal laws and Tribal Utility Commission orders;
3. Establish a process for resolution of Tribal government complaints against entities regulated by the FCC; and
4. Address other communications matters impacting the Tribes.

The current informal Tribal Consultation process is not uniformly effective in dealing with issues in Indian Country, and many Tribes do not participate in the regulatory process at the FCC. As a result, many issues that impact the Tribes go unresolved. ONAP has held several informational gatherings and site visits, but these meetings do not provide a formal mechanism for resolving issues, such as those identified above. OSTUA therefore proposes the adoption of the following new Tribal Consultation process:

1. Each Tribe shall identify an individual within the Tribal government for coordination with the FCC and communications providers; the FCC shall publicize the Tribal contact list.
2. FCC shall hold monthly conference calls on the first Monday of each month at 1 p.m. eastern time and hold quarterly meetings at the FCC and at Tribal locations (date and times to be determined by Public Notice one month prior to the meeting date) to brief Tribes on issues relevant and important to

Indian country and allow Tribes to submit oral and written comments to help guide policy in Indian country; these comments shall be posted under a new Docket and also included in the record of any existing open proceedings.

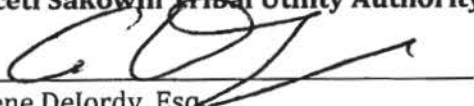
3. Tribal governments shall provide the FCC with copies of laws, regulations, ordinances, resolutions, and orders pertaining to the provision of telecommunications services on Tribal Lands; the FCC shall establish a public database of these laws, regulations, ordinances, resolutions and orders.
4. Tribal governments shall provide the FCC with periodic reports (i) identifying the communications issues of concern and the proposed resolution for these issues, (ii) detailing the steps taken by communications providers and the Tribe to meet the tribal engagement requirements in 47 C.F.R. § 54.313(a)(9), and (iii) other telecommunications issues impacting the Tribes; the FCC shall open a new docket for receipt of these reports and use these reports for the adoption of proposed rules and resolution of issues impacting the Tribes.
5. The FCC shall establish a separate informal complaint process for handling complaints and issues involving Tribal governments and communications providers.

OSTUA respectfully requests that the Commission adopt the new Tribal Consultation process proposed herein.

Respectfully submitted,

Oceti Sakowin Tribal Utility Authority

By:


Gene DeJordy, Esq.
General Counsel
Oceti Sakowin Tribal Utility Authority
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203-583-0256
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Dated: February 18, 2015

ATTACHMENT A

GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION RESOLUTION SUPPORTING

OCETI SAKOWIN TRIBAL UTILITY AUTHORITY



GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

1926 Stirling St, Rapid City, SD 57702

Phone: 605-388-5375 Fax: 605-343-3074

Resolution No. 1-9-5-14

GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION (GPTCA)

Support for Oceti Sakowin Utility Authority to assist tribal governments through a multi-tribal collaborative effort on (i) addressing jurisdiction and sovereignty issues, (ii) establishing tribal utility commissions, and (iii) resolving complaints, disputes, and issues with entities providing service on Tribal Lands.

WHEREAS, the Great Plains Tribal Chairman's Association (GPTCA) is composed of the 16 elected Chairs and Presidents or their duly appointed representatives of the sovereign Indian Tribes and Nations recognized by Treaties entered into with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

WHEREAS, the Great Plains Tribal Chairman's Association was formed to promote the common interests of the Great Plains sovereign Indian Tribes and their members in the states of North Dakota, South Dakota and Nebraska; and

WHEREAS, the United States has obligated itself both through Treaties entered into with the sovereign Tribes and Nations of the Great Plains Region and through its own federal statutes, Laws, the Constitution, international law and well-articulated policies; the United States has pledged to protect Indian Tribes; guarantee the right of Tribal self-government, protection, and safety, and to promote the viability of Indian reservations and lands as permanent homelands for Indian Tribes, and

WHEREAS, there are many challenges facing the Tribes in the United States of America, among them protection of Indian Sovereignty, Policies, Programs, meaningful Consultation and advancement of economic development for all Tribal Nations; and

WHEREAS, the Federal Communications Commission ("FCC") "has a longstanding policy of promoting tribal self-sufficiency and economic development as embodied in various federal statutes" and has specifically recognized that it "has a federal trust relationship with Indian Tribes, and this historic trust relationship requires the federal government to adhere to certain fiduciary standards in its dealings with Indian Tribes." *FCC Tribal Consultation Policy Statement*, FCC 00-207, June 23, 2000, and

WHEREAS, certain companies are refusing to accept their legal obligations on Tribal Lands and are pursuing a path of obstructionism by, among other tactics, challenging the jurisdiction of Tribes and their tribal utility commissions over their operations, opposing tribal initiatives, and seeking recourse in non-tribal forums, such as the FCC, state commissions, and state and federal courts, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Great Plains Tribal Chairman's Association recognizes the sovereign rights, jurisdiction and authority of Tribes and supports all Tribes ensuring their Treaties and Sovereignty remain intact as our Treaties intended; and

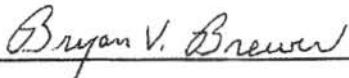
NOW, THEREFORE, BE IT FURTHER RESOLVED, the Great Plains Tribal Chairman's Association supports the establishment of the Oceti Sakowin Utility Authority whose mission is to assist tribal governments through a multi-tribal collaborative effort on (i) addressing jurisdiction and sovereignty issues, (ii) establishing tribal utility commissions, and (iii) resolving complaints, disputes, and issues with entities providing service on Tribal Lands.

Resolution NO. 1-9-5-14

CERTIFICATION

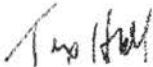
This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairman's Association held at Bismarck, North Dakota on September 5, 2014 at which a quorum was present, with 9 members voting in favor, 0 members not abstaining, and 7 member not present.

Dated on this 5th day of September, 2014.



President Bryan Brewer, Oglala Sioux Tribe
Secretary, Great Plains Tribal Chairman's Association

Attest:

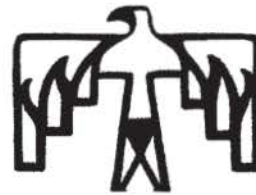


Chairman Tex "Red Tipped Arrow" Hall, Mandan, Hidatsa & Arikara Nations, Three Affiliated Tribes
Chairman, Great Plains Tribal Chairman's Association

ATTACHMENT B



OCETI SAKOWIN
TRIBAL UTILITY AUTHORITY



**COALITION OF INDIAN TRIBES SUPPORTING THE ADVANCEMENT OF TRIBAL
SOVEREIGNTY AND JURISDICTION AND THE ENFORCEMENT OF TRIBAL LAWS
AND APPLICABLE REQUIREMENTS**

JANUARY 2015

The **Oceti Sakowin Tribal Utility Authority** ("Oceti Sakowin TUA") is a coalition of Indian Tribes supporting the advancement of tribal sovereignty and jurisdiction and the enforcement of tribal laws and applicable requirements. Oceti Sakowin TUA was formed to provide a coordinated and united approach to addressing common utility and economic development issues of importance to Indian Tribes. As Tribes have increasingly asserted their authority over entities serving tribal lands, the Tribes' jurisdiction have come under attack, posing a new threat to tribal sovereignty. The Oceti Sakowin TUA was formed to address tribal sovereignty and jurisdiction issues by:

- Advancing the interests and rights of Indian Tribes with federal authorities, including the Office of the President, Executive Branch, U.S. Congress, the Federal Communications Commission ("FCC"), the Federal Energy Regulation Commission ("FERC"), and other federal agencies and offices. Through its presence in Washington, D.C., Oceti Sakowin TUA will assist Tribes with their consultation with federal, state, and local governments.
- Working with Indian Tribes to establish Utility Codes governing the operations of all telecom, electric, wind, gas, and other utilities.
- Assisting with the establishment of Tribal Utility Commissions to regulate the operations of utilities through a comprehensive set of rules, procedures, and orders addressing issues of concern to Tribes and their members.
- Establishing precedence that supports tribal sovereignty and jurisdiction.

- Advancing business, economic, educational, and social development on tribal lands.
- Addressing compliance and enforcement issues raised by (i) jurisdictional challenges, (ii) rouge corporations and other entities attempting to exert market dominance and/or control in a harmful and abusive manner to avoid tribal jurisdiction and applicable requirements governing their operations on tribal lands, and (iii) conflict of laws and joint jurisdictional issues between federal, state, local, and tribal authorities.

Attachment A is a Resolution of the Great Plains Tribal Chairman's Association supporting the establishment of the the Oceti Sakowin TUA "to assist tribal governments through a multi-tribal collaborative effort on (i) addressing jurisdiction and sovereignty issues, (ii) establishing tribal utility commissions, and (iii) resolving complaints, disputes, and issues with entities providing service on Tribal Lands."

Indian Tribes have long suffered from broken treaties, unfulfilled promises, and lack of access to essential facilities and services necessary for economic, social and educational development. Some entities have taken advantage of the disparate conditions that exists on many Indian reservations by not operating in a manner consistent with tribal laws and requirements. Without enforced laws and requirements, a system of regulatory oversight, and/or competition, rouge entities have preyed on Indian Tribes and tribal members.

Individually, many Indian Tribes lack the resources and capabilities to develop Utility Codes, establish Utility Commissions, implement a system of laws and regulations to govern Utility services and economic development initiatives, and address compliance and enforcement issues. The Oceti Sakowin TUA will support the advancement of tribal sovereignty and jurisdiction and the enforcement of tribal laws and applicable requirements by assisting Tribes with:

1. establishing a system of laws and regulations on tribal lands, including Utility Codes, applicable to all entities operating on Indian reservations;

2. implementing a system of regulation and tribal oversight to protect tribal and public interests;
3. empowering and equipping tribal entities, including utility commissions and courts, to address violations of laws and regulations on Indian reservations;
4. coordinating with federal authorities, including, but not limited to, the Executive Branch of the U.S. government, the U.S. Congress, the Department of Justice ("DoJ"), the FCC, the FERC, and other government entities for government-to-government consultation;
5. addressing violations and actions against tribal interests by rouge entities by:
 - a. ensuring no rights and benefits are bestowed on rouge entities that fail to comply with applicable requirements on Indian reservations;
 - b. working with the U.S. Congress and political institutions to ensure there are no opportunities for rouge entities to benefit from their harmful and abusive actions;
 - c. bringing public attention to the actions of rouge entities through the print, electronic, and social media; and
 - d. coordinating among tribal entities and other tribes to take action against rouge entities.

Internal Operations. The Oceti Sakowin TUA is a non-profit organization governed by a set of bylaws agreed upon the member Tribes. The Bylaws provide for:

- The Oceti Sakowin TUA will operate under the guidance and direction of the tribal representatives of the member Tribes.
- All member Tribes shall have an equal vote on the actions and direction of the Oceti Sakowin TUA by majority vote.
- Three or more Tribal Directors shall be elected to oversee the operations of the Oceti Sakowin TUA.
- Gene DeJordy shall serve as the General Counsel of the Oceti Sakowin TUA under the direction of elected Tribal Directors.

Meetings.

- Weekly Conference Calls. Beginning January 2015, the Oceti Sakowin TUA will meet each week by conference call on Mondays at 1 p.m. Mountain time using the following bridge: 530-881-1705, code 2010#.
- Quarterly Meetings. Every three months, the Oceti Sakowin TUA will meet in-person at a location to be determined.
- Ad Hoc Meetings and Conference Calls. Additional meetings and conference calls will be held on an as-needed basis.

Funding. Initial funding for the Oceti Sakowin TUA will be through support from donors; within one year of operation, funding sources shall be secured to ensure continued operations to meet the goals and objectives of the Oceti Sakowin TUA. Initial plans call for Oceti Sakowin TUA to have an Executive Director, General Counsel, Tribal Liason, and a Tribal Specialist.

Oceti Sakowin Tribal Utility Authority Representatives

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Chairwoman, Crow Creek Sioux Tribe
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